

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1360**

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**Introduced by Assembly Member Steinberg**

February 21, 2003

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An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Steinberg. Environmental quality: environmental indicators.

Existing law requires the Secretary for Environmental Protection, on or before January 1, 2002, to convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency (Cal/EPA) in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

This bill would require the Cal/EPA, beginning on July 1, 2004, and, to the extent that funding is available, to develop and maintain a system of environmental indicators that meets specified objectives. The bill would require the Cal/EPA to periodically assess the ability of the environmental indicators system to meet each of those objectives and the ability of the system to support the development and

implementation of the agencywide environmental justice strategy. The bill would require the Cal/EPA to submit a report on those environmental indicators to the Governor and the Legislature on or before January 1, 2006, and by January 1 every two years thereafter.

The bill would require the Office of Environmental Health Hazard Assessment (OEHHA) to be the lead agency for developing new environmental indicators, for modifying, deleting, and updating existing environmental indicators, and for developing and maintaining an environmental indicator database. The bill would require the OEHHA to consult with other state agencies, as specified. The bill would also require the OEHHA to lead an intra-agency workgroup consisting of representatives from each board, department, and office within the Cal/EPA. The OEHHA would be required to consult with that intra-agency workgroup regarding various activities.

The bill would require the Secretary for Environmental Protection to appoint an external advisory group that would be required to advise and develop recommendations for the secretary and the intra-agency workgroup.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) Traditionally, many of California's environmental  
4 programs have assessed their performance using measures of  
5 activity, including, for example, the number of permits granted,  
6 notices of violation issued, or regulatory standards adopted.  
7 Addressing the complex environmental challenges of the 21st  
8 century will require new approaches that rely on better  
9 information about our environment. Over the years, substantial  
10 efforts have been devoted toward this end, yet historically there  
11 have been very few meaningful, objective measures with which to  
12 determine the environmental impacts of these efforts.

13 (b) The California Environmental Protection Agency has made  
14 a commitment to move away from measures of activity, and  
15 instead focus on measurable environmental results to judge  
16 program performance. To support this commitment, the California  
17 Environmental Protection Agency established the Environmental



Protection Indicators for California (EPIC) Project in 2000, and charged EPIC with developing and maintaining a comprehensive set of environmental indicators, which are scientific measurements of environmental conditions and trends. To ensure that the development of indicators was based on sound science, the California Environmental Protection Agency designated its Office of Environmental Health Hazard Assessment to lead the effort. The California Environmental Protection Agency, working in partnership with the Resources Agency and in cooperation with the Department of Health Services, released a report containing the initial set of 84 environmental indicators in April 2002.

(c) Environmental indicators improve our understanding of the environment and how human activities and other factors can influence it. The indicators establish a scientific basis for evaluating the effectiveness of environmental programs and identifying the need for specific actions to improve environmental conditions throughout the state and the disproportionate impact on low-income communities and communities of color. Decisions to create, modify, or eliminate California Environmental Protection Agency policies and programs need to be driven by information reflected by environmental indicators; and, to the extent feasible, budget decisions should include a reference as to how the proposed change is intended to impact a relevant environmental indicator.

(d) To ensure the credibility and relevance of the environmental indicators, input into the selection, development, and use of these indicators needs to be sought from a broad range of stakeholders, including the Legislature, local government, academia, the regulated community, nongovernmental organizations, and other groups with an interest in environmental issues.

SEC. 2. Chapter 4 (commencing with Section 71080) is added to Part 2 of Division 34 of the Public Resources Code, to read:

CHAPTER 4. ~~ENVIRONMENT~~ ENVIRONMENTAL PROTECTION  
INDICATORS FOR CALIFORNIA

71080. (a) Beginning on July 1, 2004, to the extent that funding is available for this purpose, the California Environmental Protection Agency shall develop and maintain a system of environmental indicators. The agency shall develop and maintain

1 the system to meet all of the following objectives for using  
2 environmental indicators:

3 (1) Provide policymakers and the public with an improved  
4 understanding of the health of the state's environment.

5 (2) Evaluate the effectiveness of the agency's programs in  
6 improving environmental quality and protecting public health  
7 throughout the state, including environmental quality and public  
8 health in low-income communities and communities of color.

9 (3) Guide the development and modification of agency  
10 programs, plans, and policies as environmental conditions change  
11 over time.

12 (4) Guide the agency in making budget decisions that address  
13 the most immediate environmental concerns.

14 (b) The following definitions apply to this section:

15 (1) "Agency" means the California Environmental Protection  
16 Agency.

17 (2) "Environmental indicator" means a *scientifically based*  
18 measure that represents ~~scientific~~ information on environmental  
19 conditions, releases of contaminants into the environment, or the  
20 effects of those releases.

21 (3) "Office" means the Office of Environmental Health  
22 Hazard Assessment.

23 (c) The agency shall submit a report on the environmental  
24 indicators developed pursuant to this chapter to the Governor and  
25 the Legislature on or before January 1, 2006, and by January 1  
26 every two years thereafter. *The report shall include a discussion*  
27 *as to the manner in which the environmental indicators are being*  
28 *used by the agency to meet the objectives set forth in subdivision*  
29 *(a). The office shall make the report available to the public on its*  
30 *Web site. The office shall include on its Web site any additional*  
31 *relevant information in support of those environmental indicators*  
32 *and shall update that information posted on the Web site as new*  
33 *information becomes available.*

34 (d) The office shall be the lead agency for developing new  
35 environmental indicators, for modifying, deleting, and updating  
36 existing environmental indicators, and for developing and  
37 maintaining an environmental indicator database. The office shall  
38 lead an intra-agency workgroup, consisting of representatives  
39 from each of the boards, departments, and offices within the  
40 agency. The office shall consult with the intra-agency workgroup

1 in developing and maintaining the environmental indicators,  
2 program planning, policy formulation, and other decisionmaking  
3 processes, and in drafting the report required under subdivision  
4 (c).

5 (e) In developing and maintaining the environmental  
6 indicators, the office shall consult with the Resources Agency, the  
7 Department of Health Services, and other state agencies as  
8 appropriate.

9 (f) The office may utilize information for indicators that is not  
10 collected by other boards and departments within the agency and  
11 may identify and establish new indicators.

12 (g) The secretary for the agency shall appoint an external  
13 advisory group consisting of representatives from local  
14 government, the Legislature, academia, the regulated community,  
15 nongovernmental organizations, and other groups with an interest  
16 in environmental issues. The external advisory group shall  
17 perform the following functions:

18 (1) Develop recommendations for the secretary and the  
19 intra-agency workgroup for incorporating the environmental  
20 indicators into program planning, policy formulation, and other  
21 decisionmaking processes.

22 (2) Advise the secretary and the intra-agency workgroup on the  
23 expansion and maintenance of the environmental indicator  
24 system, including the development of new environmental  
25 indicators and the modification, deletion, and updating of existing  
26 environmental indicators.

27 (3) Act as external advisers and reviewers of the report required  
28 in subdivision (c).

29 (h) The agency shall periodically assess the ability of the  
30 environmental indicators system to meet each of the objectives  
31 cited in subdivision (a) and the ability of the system to support the  
32 development and implementation of the agencywide  
33 environmental justice strategy pursuant to Section 71113.

